



**Arizona Supreme Court
Defensive Driving Board**

Arizona State Courts Building
1501 West Washington Street
Phoenix, Arizona 85007
Hearing Room 109

August 20, 2015
10:00 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

<i>Present:</i>	<i>Telephonically Present:</i>	<i>Absent:</i>
Daniel Edwards	Melissa Caraker	
William "Patch" Pachnowski		
Thomas Davis		
Walter "Jack" Weberg		
Margaret Stephens-Reed		
Paul Hallums		
Honorable Maria Brewer		

OTHER ATTENDEES:

<i>AOC Staff:</i>	<i>Guests:</i>
Debbie MacDougall	Loren Dorez
Wendy Reiter	Mark Campbell
Bill MacIntyre	Borna Mozafari
Chris DeWitt	Bill Riedel
Mark Wilson	Debbie Grado
Hal White	Maria Medina
Anne Hunter	Monica Zavala
Michelle Martinez	
Wil Castro	
Michelle Jackson	

CALL TO ORDER

Called to Order By:

Daniel Edwards, Chair

Time:

10:00 a.m.

1) REVIEW AND APPROVAL OF MINUTES

Individual Addressing the Board:

Daniel Edwards, Chair

1-A: Review, discussion, and possible action regarding the regular session minutes for the meeting of June 23, 2015.

Discussion: None.

Motion: Move to accept the regular session minutes of the June 23, 2015 meeting.

Motion Proposals: First William "Patch" Pachnowski
Second Walter "Jack" Weberg

Motion Results: Pass

2) INITIAL CERTIFICATION AND ELIGIBILITY

Individual Addressing the Board:

Chris DeWitt

2-A: Review, consideration, and possible action regarding pending initial certification of the following defensive driving schools:

1. Green Light Traffic School (Live or Online Video Classes)
2. Green Light A+ Rated Traffic School (Live or Online Video Classes)
3. Green Light Defensive Driving School (Live or Online Video Classes)
4. Green Light 4 Hour Traffic School (Live or Online Video Classes)

Discussion: Discussion is held regarding school owner Bill Riedel's application and background history.

Motion: Move to grant initial certification to the above-named defensive driving schools.

Motion Proposals: First Judge Maria Brewer
Second Margaret Stephens-Reed

Motion Results: Pass

Recusal: William "Patch" Pachnowski

Individual Addressing the Board: Wendy Reiter

2-B: *Review, consideration, and possible action regarding pending initial certification of the following applicant for defensive driving instructor certification:*

Charles Nelson

Discussion: Charles Nelson

Motion: Move to grant initial certification.

Motion Proposals: First William "Patch" Pachnowski
Second Walter "Jack" Weberg.

Motion Results: Pass

3) PENDING COMPLAINTS

Individuals Addressing the Board: Bill MacIntyre, Hal White and
Anne Hunter

3-A: *Review, discussion and possible action regarding complaint number 14-D018, involving Low Cost Defensive Driving.*

Discussion: The matter was investigated and upon completion of that investigation, the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On August 5, 2015, Probable Cause Evaluator Baumstark entered a finding that probable cause does not exist as to Allegation 1.

Motion: Move to dismiss complaint number 14-D018.

Motion Proposals: First Walter "Jack" Weberg
Second Paul Hallums

Motion Results: Pass

3-B: *Review, discussion and possible action regarding complaint number 15-D001, involving All Over AZ Traffic School.*

Discussion: The matter was investigated and upon completion of that investigation, the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On July 14, 2015, Probable Cause Evaluator Baumstark entered a finding that probable cause exists as to Allegation 1.

Motion: Move to enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA §§ 7-205(F)(27)(f) and 2-705(F)(28)(f)(2) for failure to timely enter completion data into DDTS and for failure to timely remit a diversion fee to the municipal court and issue a Letter of Concern.

Motion Proposals: First William "Patch" Pachnowski
Second Walter "Jack" Weberg

Motion Results: Pass

Recusals: Melissa Caraker and Paul Hallums

3-C: *Review, discussion and possible action regarding complaint number 15-D005, involving Payless EZ Speedy Arizona Online Defensive Driving.*

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Payless EZ Speedy Arizona Online Defensive Driving has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D005.

Motion: Move to enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA §§ 7-205(F)(19) and 7-205(F)(28)(f)(2) by failing to timely remit a diversion fee to the Country Meadows Justice Court, and issue a Letter of Concern.

Motion Proposals: First Walter "Jack" Weberg
Second Thomas Davis

Motion Results: Pass

3-D: *Review, discussion and possible action regarding complaint number 15-D003, involving Go and Learn Traffic School.*

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Go and Learn AZ Traffic School has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D003.

Motion: Move to enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA § 7-205(F)(19) and 7-205(F)(28)(f)(2) by failing to timely remit a diversion fee to the Country Meadows Justice Court and issue a Letter of Concern.

Motion Proposals: First Margaret Stephens-Reed
Second William “Patch” Pachnowski

Motion Results: Pass

3-E: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation in complaint number 14-D011, involving Michael Noonan.*

Discussion: This complaint was initially presented to the Board on June 23, 2015, at which time the Board accepted staff’s recommendation and the Probable Cause Evaluator’s determination that Michael Noonan violated ACJA § 7-205(J)(2)(b)(5)(a) by conducting himself in an unprofessional manner when, while on a business trip after teaching a defensive driving class, circulated personal information regarding third parties with the intent to cause harm. The Board imposed formal discipline in the form of revocation in complaint number 14-D011.

On July 13, 2015, the Board filed the Notice of Formal Statement of Charges in complaint number 14-D011 involving Michael Noonan. Division records reflect Mr. Noonan was served on July 14, 2015.

No answer or request for hearing was filed by Mr. Noonan.

Motion: Move to enter a Final Order revoking Mr. Noonan’s defensive driving certification.

Motion Proposals: First Walter “Jack” Weberg
Second Paul Hallums

Motion Results: Pass

3-F: *Review, discussion and possible action regarding complaint number 15-D002, involving 2 Pass Defensive Driving.*

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding 2 Pass Defensive Driving and Gordon Fox have committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 15-D002.

It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA § 7-205(F)(28)(f)(2) by failing to timely remit a diversion payment to Tempe Municipal Court.

2 Pass Defensive Driving and Gordon Fox have been previously disciplined for the same type conduct and were suspended for 30 days. (*See* complaints number 14-D014 and 14-D017).

Staff notes the prior discipline for same type of conduct and recognizes that 2 Pass Defensive Driving and Gordon Fox may not have had time to remedy any underlying business cause resulting in the failure to timely remit the payment. Staff also notes that 2 Pass Defensive Driving and Gordon Fox were argumentative with Tempe Municipal Court staff when that staff attempted to remedy the situation for the benefit of the driver/student.

Motion: Move to issue a Censure to 2 Pass Defensive Driving and Gordon Fox.

Motion Proposals: First Thomas Davis
Second Walter ”Jack” Weberg

Motion Results: Pass

3-G: *Update regarding disciplinary action regarding complaint number 14-D014/14-D015 and 14-D017 involving 2 Pass Defensive Driving.*

Discussion: An update is given to the Board.

3-H: *Review, discussion and possible action regarding complaint number 14-D016 involving Easy Simple Fun Defensive Driving.*

Discussion: Upon completion of the investigation, the Investigation Summary was forwarded to Probable Cause Evaluator, Mike Baumstark. On August 12, 2015, Probable Cause Evaluator Baumstark entered a finding that probable cause exists as to Allegation 1.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Easy, Simple, Fun Defensive Driving School has committed the alleged act of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 14-D016.

Motion: Move to suspend Easy Simple Fun Defensive Driving certification for a period of 30 days. The suspension shall prohibit Easy Simple Fun Defensive Driving from registering any new students but shall not prohibit Easy Simple Fun Defensive Driving from completing the diversion process for any student registered prior to the date of suspension. It is further recommended that Easy Simple Fun Defensive Driving be placed on probation for a period of six months the terms of which are that Easy Simple Fun Defensive Driving on a monthly basis report to the Certification and Licensing Division any student inquiries or complaints concerning issues related to receipts.

The Board directs staff to investigate any additional schools with non-compliant receipts.

Motion Proposals:	First	Walter "Jack" Weberg
	Second	William "Patch" Pachnowski
Motion Results:	Pass	

3-I: *Update regarding the status of pending complaints.*

Discussion: There are currently thirteen open complaints, six of which have been presented on this agenda with dispositive recommendations.

4) ADMINISTRATIVE ISSUES

Individual Addressing the Board: Hal White

4-A: *Review, discussion and possible action regarding the certification renewal application deadline pursuant to ACJA § 7-201(G)(2).*

Discussion: Application. A certificate holder is responsible for applying for a renewal certificate. The certificate holder shall apply for renewal of

certification on the form provided by division staff. The board shall set a deadline renewal application date, in advance of the expiration date, to allow a reasonable time frame for processing renewal applications.

Active certificates expire at midnight on October 31st of each odd numbered year.

Motion: Move to accept staff's recommendation.

Motion Proposals: First Walter "Jack" Weberg
Second Paul Hallums

Motion Results: Pass

5) SUBCOMMITTEE CONCERNING SCHOOL NAMES

Individual Addressing the Board: Anne Hunter

5-A: Update on subcommittee concerning defensive driving school names.

Discussion: The subcommittee has been established and staff will continue to provide updates the Board.

CALL TO THE PUBLIC

Individual Addressing the Board: Bill Riedel

ADJOURNMENT

Motion: Move to adjourn the meeting.

Motion Proposals: First William "Patch" Pachnowski
Second Margaret Stephens-Reed

Motion Results: Pass

Time: 11:49 a.m.